

Karla Bruner, Data Manager

1315 Sagebrush Dr. SW

Los Lunas, NM 87031

(505) 866-0711

January 13, 2009

Rafaelita M. Espinoza
11813 Palo Duro Ave. NE
Albuquerque, NM 87111

Re: State v. Aragon, United States District Court No. 69cv07941
Rio Chama Adjudication

Dear Ms. Espinoza,

Recently we talked on the phone regarding your December 19, 2008 *Objection to Notice of Intent to File Water Rights Pleadings* (Docket No. 9341). The objection is based on your assertion that the priority date for your right, and the rights of the Acequia de Chamita Ditch Commission, is 1598, rather than 1724. This objection to your offered priority date is untimely as it had to be filed within sixty days of the filing of the Notice of Order to Show Cause which was filed October 12, 1994 (Docket no. 3606).

The Special Master's Notice of Intent to File Water Rights Pleadings was entered to alert current water right owners that when the records for this adjudication were transferred from the District Court of Rio Arriba County, State of New Mexico (Cause No. 8294) to federal court, 12 subfile orders mistakenly were missed. Among them was the order for Subfile No. 261 which was originally filed April 15, 1963, in state court, for Tomas Maestas (enclosed).

As we discussed, the filing of the 1963 subfile order in the federal court does not in any way affect the pending litigation over priority dates. The federal court record contains, and I enclose for your records, the following related pleadings:

- October 12, 1994 *Notice and Order to Show Cause* (No. 3606) sent to Lita Espinoza and Sally Maestas offering a 1714 priority date for the water rights associated with Subfile No. 261
- December 8, 1994 *Notice and Order to Show Cause* (No. 3979.16) sent to the Commissioner of the Acequia de Chamita offering a 1714 priority date for the Acequia
- February 3, 1995 *Objection to Order to Show Cause and Priority Date* (No. 3993.2) filed by the commissioner of the Acequia de Chamita objecting to the 1714 priority date

In 1995 hearings were held on the ditches for which timely objections were filed and a special master's report on those hearings is still pending. The Acequia de Chamita is among those who filed a timely objection.

I am also enclosing a *Withdrawal of Objection* you may file if you no longer object to the filing of the 1963 subfile order for subfile 261 in federal court. Once the 1963 subfile order is filed in federal court, I will send you a file-stamped copy for your records.

Sincerely,

Karla Bruner
Data Manager for Special Master Vickie Gabin

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB

RIO CHAMA STREAM SYSTEM
Section 1: Mainstream

ACEQUIA DE CHAMITA

Subfile: 261

WITHDRAWAL OF OBJECTION

I hereby withdraw the *Objection to Notice of Intent to File Water Rights Pleadings* I filed with the Court for Rio Chama Stream System Section, Subfile 261, on December 19, 2008 (Docket No. 9341). I understand that priorities are still pending in the court at this time and that the objection period for priorities has passed.

Respectfully submitted,

Rafaelita M. Espinoza,
a/k/a Lita Espinoza
11813 Palo Duro Ave. NE
Albuquerque, NM 87111

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
95 FEB -3 AM 11:14

STATE OF NEW MEXICO, ex rel.
State Engineer,

Plaintiff,

v.

ROMAN ARAGON, et al.,

Defendants.

)
) No. CV-7941 SC
)
) Rio Chama Stream
) System
)
) Section I (mainstream)
)
)
)

OBJECTION TO ORDER TO SHOW CAUSE
AND PRIORITY DATE

COMES NOW the Defendant, Acequia de Chamita, and in response to the Notice and Order to Show Cause states and alleges:

1. This Defendant denies that the priority date of water rights in its acequia is the date alleged by the State Engineer and in the Notice and Order to Show Cause and objects to it;

2. Upon information and belief this Defendant alleges that the priority date of water rights in its acequias is earlier than that stated in the Notice And Order to Show Cause, and requests a hearing to prove that an earlier date is the correct priority date.

Respectfully submitted,

By its Commissioners:

Acequia de Chamita
Name of Acequia

P.O. Box 930
Address for Acequia

San Juan Pueblo, New Mexico 87566
City, State and Zip Code

H. S. Vulliamy

Richard M. Delgado

Juan L. Arceleta

1/27/09

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO ex rel.,)
State Engineer,)
)
Plaintiff,)
)
v.)
)
RAMON ARAGON, et al.,)
)
Defendants.)

94 DEC -8 PM 5:32

No. CV 7941 SC. 12/10/94
Rio Chama Stream
System
Section 1 (mainstream)

NOTICE AND ORDER TO SHOW CAUSE

To: A. B. Valdez,
Commissioner, Acequia de Chamita
P.O. Box 930
San Juan Pueblo, NM 87566

Priority Date: 1714

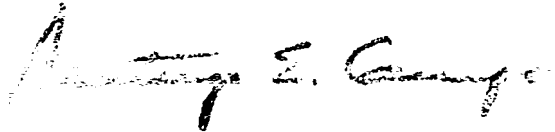
You are hereby notified that the Court has entered an order requiring you to show if you disagree with the priority date stated above for the water rights in the acequia. Since the time the Court provisionally adjudicated priority dates, a court-appointed historian has studied the priority dates further. The results of the study are that the priority dates are earlier than previously adjudicated. The new, earlier date is shown above.

If your association agrees with this date, it does not need to take any action, and the Court will enter a new provisional order with the above priority date. If your association disagrees, it must follow the instructions below.

IT IS THEREFORE ORDERED THAT if your association objects to the priority date stated above and wants to offer proof of an earlier date, the association must file a written objection with the Court. The association must file its objection, if any, by hand delivery to the Federal Court Clerk in Albuquerque or Santa Fe or by mail to the Clerk in Albuquerque (P.O. Box 689, Albuquerque, NM 87103) or Santa Fe (P.O. Box 2384, Santa Fe, NM 87504). Your association must file any objection within sixty (60) days after the date of this notice and order. If your acequia files a timely objection the Special Master will notify the acequia of how to present its objection in Court.

If you have any questions, call or write:

Barbara Austin or Patrick Simpson
State Engineer Office Legal Division
P.O. Box 25102
Santa Fe, NM 87502
(505) 827-6150



Dated: December 8, 1994

Santiago E. Campos
UNITED STATES DISTRICT JUDGE

Approved: Vickie L. Gabin
Vickie L. Gabin
SPECIAL MASTER

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO ex rel.,
State Engineer,

Plaintiff,

v.

RAMON ARAGON, et al.,

Defendants.

94 OCT 12 PM 6:10

No. CV 7941 SC

Rio Chama Stream
System

Section 1 (mainstream)

CLEER-ALBUQUERQUE

NOTICE AND ORDER TO SHOW CAUSE

To Current Owner(s): LITA ESPINOZA & SALLY MAESTAS

Map: 22 Tract: 1 Priority: 1714

Subfile: 261

Ditch or Acequia: Acequia de Chamita

Adjudicated Owner(s): TOMAS A. MAESTAS

You are hereby notified that the Court has entered an order requiring you to show if you disagree with the priority date stated above for your water right. Since the time the Court provisionally adjudicated priority dates, a court-appointed historian has studied the priority dates further. The results of the study are that the priority dates are earlier than previously adjudicated. The new, earlier date is shown above.

If you agree with this date, you do not need to take any action, and the Court will enter a new provisional order with the above priority date. If you disagree, you must follow the instructions below.

IT IS THEREFORE ORDERED THAT if you object to the priority date stated above and want to offer proof of an earlier date, you

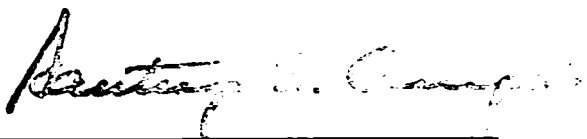
3606

must file a written objection with the Court. You must file your objection, if any, in person or by mail with the Federal Court Clerk in Albuquerque (P.O. Box 689, Albuquerque, NM 87103) or Santa Fe (P.O. Box 2384, Santa Fe, NM 87504) within sixty (60) days after the date of this notice and order. If you file a timely objection the Special Master will notify you of how to present your objection in Court.

If you have any questions, call or write:

Barbara Austin or Patrick Simpson
State Engineer Office Legal Division
P.O. Box 25102
Santa Fe, NM 87502
(505) 827-6150

Dated: October 12, 1994


Santiago E. Campos
UNITED STATES DISTRICT JUDGE

Approved: 
Vickie L. Gabin
SPECIAL MASTER

IN THE DISTRICT COURT OF RIO ARriba COUNTY

STATE OF NEW MEXICO

STATE OF NEW MEXICO on the
relation of S. E. REYNOLDS,
State Engineer,

Plaintiff,

vs.

ROMAN ARAGON, et al.,

Defendants.

No. 8294

Sub-File No. 261

Acequia de Chacita

ORDER

THIS MATTER having come before the Court and after
having heard the testimony, considered the evidence, and
being fully advised in the premises, now finds:

1. Name of defendant: **Tomas Maestas**
2. Defendant has been legally served with process,
has not filed an answer, certificates of non-
appearance and default have been filed, and the
defendant is adjudged to be in default.
3. The Court has jurisdiction of the parties
and the subject matter herein.
4. State Engineer's hydrographic survey and report
relating to the defendant's water rights
have been introduced into the record and the
same hereby are incorporated and made a part
of this Order; that said hydrographic survey
and report contain a true and correct summary
of the contents of the instruments referred to
therein.

Sub-File No. 261

*Not in court docket
not file stamped
C14*

5. The defendant Tomas Maestas
has a right to withdraw public, surface and/or
underground waters from the Rio Chama Stream
System for irrigation purposes as follows:

State Engineer's File No. --

Priority: 1724

Source of water: Surface waters of the Rio Chama

Point of diversion: Through and by means of the
Acequia de Chamita (also known as Guique Ditch) which
diverts out of the north bank of the Rio Chama, located
in the northwest part of the Bartolome Sanchez Grant,
New Mexico Coordinate System, Central Zone:
X = 536,680 and Y = 1,850,010, Rio Arriba County, New Mexico.

Location & Amount of Acreage: 2.73 acres irrigated in
part of P.C. 227, P. 2, Exception 1, Section 9, T. 21 N.,
R. 8 E., within the San Juan Pueblo Grant, Rio Arriba County,
New Mexico.

Duty of water: Not to exceed three acre feet
per acre per annum delivered at the
farm head gate.

The defendant Tomas Maestas
has no other surface/ground water irrigation rights

in the aforesaid section.

That the defendant Tomas Maestas
his agents, employees, privies, co-tenants, tenants,
assigns, attorneys, and any and all other persons having
a constructive knowledge of the restraining Order should
be enjoined from any use of the surface/ground water

in the aforesaid section
for irrigation, except in strict accordance with the
water rights set out hereinabove.

IT IS, THEREFORE, ORDERED that the defendant, _____

Tomas Maestas

be and hereby is adjudicated to have a good and valid water right as
set forth above.

IT IS FURTHER ORDERED that the defendant, _____

Tomas Maestas

his agents, employees, privies, co-tenants, tenants, assigns,
attorneys, and any and all other persons having constructive knowledge
of the restraining order, be and they hereby are, enjoined from any
use of the surface/ground water in the aforesaid section

except in strict accordance with the water rights set out hereinabove.

DATED, this 15 day of April, 1963.

A TRUE COPY OF

ORIGINAL Order on file

ENTERED April 15 1963

SUSIE M. MONTOYA

CLERK

By D. W. Alden - Deputy -3-

J. M. SCARBOROUGH
DISTRICT JUDGE

Sub-File No. 261